

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

BRIAN E. SHANK and)	
REBECCA M. SHANK,)	Civil Action
)	No. 09-cv-02240
Plaintiffs)	
)	
vs.)	
)	
EAST HEMPFIELD TOWNSHIP,)	
)	
Defendant)	
)	
and)	
)	
RICHARD J. SZARKO, M.D.,)	
)	
Intervenor Defendant)	

O R D E R

NOW, this 8th day of July, 2010, upon consideration of the following documents:

- (1) Complaint filed May 19, 2009;
- (2) Defendant's Answer to Plaintiffs' Complaint, which answer was filed June 11, 2009;
- (3) Defendant's Answer to Plaintiffs' Complaint, which answer was filed September 25, 2009;
- (4) Plaintiffs' Motion for Judgment on the Pleadings filed September 11, 2009; together with:

Plaintiffs' Memorandum of Law in Support of Their Motion for Judgment on the Pleadings, which brief was filed September 11, 2009;

Brief of Defendant, East Hempfield Township, in Response to Plaintiffs' Motion for Judgment on the Pleadings, which response was filed September 29, 2009;

Defendant Szarko's Brief in Opposition to Plaintiffs' Motion for Judgment on the Pleadings, which brief was filed October 12, 2009;

- (5) Motion for Judgment on Pleadings filed September 11, 2009; together with:

Brief in Support of Defendant, East Hempfield Township's, Motion for Judgment on the Pleadings, which brief was filed September 11, 2009;

Plaintiff's Answer to Defendant Township's Motion for Judgment on Pleadings, which response was filed September 29, 2009;

Plaintiffs' Memorandum of Law in Opposition to Defendant Township's Motion for Judgment on the Pleadings, which brief was filed September 29, 2009;

- (6) Defendant Richard J. Szarko's Motion for Judgment on the Pleadings filed September 25, 2009; together with:

Defendant Szarko's Brief in Support of His Motion for Judgment on the Pleadings, which brief was filed September 25, 2009;

Plaintiffs' Answer to Intervener [sic] Defendant Richard J. Szarko's Motion for Judgment on Pleadings, which response was filed October 12, 2009;

Plaintiffs' Memorandum of Law in Opposition to Intervener [sic] Defendant Richard J. Szarko's Motion for Judgment on the Pleadings, which brief was filed October 12, 2009;

- (7) Plaintiffs' Motion for Judgment on the Pleadings Directed Against Intervener Defendant Richard J. Szarko filed October 12, 2009;
- (8) Brief of Amicus Curiae Helicopter Association International in Support of Plaintiff's Motion for Judgment on the Pleadings and in Opposition to Defendant's Motion for Judgment on the Pleadings, which brief was filed October 26, 2009;
- (9) Plaintiffs' Supplemental Brief filed December 12, 2009;
- (10) Second Brief in Support of Defendant, East Hempfield Township's, Motion for Judgment on the Pleadings, which brief was filed December 7, 2009;

(11) Supplemental Brief of Defendant Richard J. Szarko, M.D.
filed December 7, 2009;

and for the reasons articulated in the accompanying Opinion,

IT IS ORDERED that the Motion for Judgment on Pleadings
and Defendant Richard J. Szarko's Motion for Judgment on the
Pleadings are each granted.

IT IS FURTHER ORDERED that judgment is entered in favor
of defendant and intervenor and against plaintiffs.

IT IS FURTHER ORDERED that plaintiffs' Complaint is
dismissed in its entirety.

IT IS FURTHER ORDERED that Plaintiffs' Motion for
Judgment on the Pleadings and Plaintiffs' Motion for Judgment
on the Pleadings Directed Against Intervener [sic] Defendant
Richard J. Szarko are each dismissed as moot.

IT IS FURTHER ORDERED that the Clerk of Court shall
close this case for statistical purposes.

BY THE COURT:

/s/ James Knoll Gardner
James Knoll Gardner
United States District Judge